

1 UNITED STATES DISTRICT COURT
2 10TH DISTRICT OF NEW MEXICO

3
4 MICHAEL J. NISSEN
5 (PLAINTIFF)

DATED:

6
7 V.
8

MOTION FOR LEAVE TO PROCEED
PURSUANT TO 28 U.S.C. § 1915

9 JUDGE JAMES O'BROWNING
10 (DEFENDANT)

11
12 MOTION FOR LEAVE TO PROCEED PURSUANT
13 TO 28 U.S.C. § 1915

14
15 NOW COMES, MICHAEL J. NISSEN, PLAINTIFF
16 (HEREIN-AFTER PLAINTIFF), IN THE ABOVE ENTITLED
17 ACTION, RESPECTFULLY MOVES THE HONORABLE
18 COURT TO GRANT THIS ACTION OF MOTION
19 FOR LEAVE TO PROCEED PURSUANT TO
20 28 U.S.C. § 1915.

21
22 PLAINTIFF SEEKS ACTION OF THIS MOTION
23 TO PROCEED AND PURSUE 42 U.S.C. § 1983
24 FILED IN THE UNITED STATES DISTRICT
25 COURT.

26
27 WHEREFORE, PLAINTIFF WILL HUMBLY
28 PRAY THAT THE HONORABLE COURT WILL

1 GRANT THIS REQUEST OF THE
2 PLAINTIFF. MAY GOD BLESS THE UNITED
3 STATES OF AMERICA.

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RESPECTFULLY SUBMITTED,

DATED: 02/19/2020

michael j. nissen

MICHAEL J. NISSEN

(PLAINTIFF)



OFFICIAL SEAL

Birdie Jones

NOTARY PUBLIC-State of New Mexico

My Commission Expires 10-22-2023

Birdie Jones

Pg 2 of 2

CIBOLA COUNTY CORRECTIONAL CENTER
INMATE ACCOUNT SUMMARY 12/31/2018 to 02/18/2020

Print Date: 02/19/2020 8:51:01AM

Page 3 of 24

INMATE NISSEN, MICHAEL
 AGENCY #: 02508151
 PERM #: 5552151
 HOUSING: 800/B/208/U

Transaction Date/Time	Transaction Amount	Deposit/Withdrawl Amount	Collected Cost Recovery	Billed Cost Recovery	Check #	Current Balance	Receipt #	DLN
INMATE FUND 12/31/18 06:21	\$100.00	\$100.00				\$ 100.00	11869503	
WESTERN UNION INTERFACE - AUTO ENTE 01/09/19 09:53	-\$17.95		-\$17.95			\$ 82.05	11980788	
REGULAR COMMISSARY PURCHASE 01/09/19 10:02	-\$6.43		-\$6.43			\$ 75.62	11980946	
REGULAR COMMISSARY PURCHASE 01/15/19 08:35	-\$67.93		-\$67.93			\$ 7.69	12040434	
REGULAR COMMISSARY PURCHASE 01/23/19 07:01	\$100.00	\$100.00			86817601301	\$ 107.69	12115274	
WESTERN UNION INTERFACE - AUTO ENTE 01/24/19 11:25	-\$5.55		-\$5.55			\$ 102.14	12134689	
REGULAR COMMISSARY PURCHASE 02/01/19 06:19	-\$53.31		-\$53.31			\$ 48.83	12204370	
REGULAR COMMISSARY PURCHASE 02/07/19 08:35	-\$43.42		-\$43.42			\$ 5.41	12278753	
REGULAR COMMISSARY PURCHASE 02/07/19 11:37	\$43.42	\$43.42				\$ 48.83	12281925	
VOIDED REGULAR PURCHASE 02/07/19 11:37	\$53.31	\$53.31				\$ 102.14	12281987	
VOIDED REGULAR PURCHASE 02/07/19 11:39	-\$43.42		-\$43.42			\$ 58.72	12282005	
REGULAR COMMISSARY PURCHASE 02/11/19 07:25	\$100.00	\$100.00			06126438141	\$ 158.72	12288914	
WESTERN UNION INTERFACE - AUTO ENTE 02/13/19 09:44	\$44.97	-\$44.97			KIMBERLY NISSEN	\$ 113.75	12344847	
REGULAR COMMISSARY PURCHASE 02/20/19 08:55	\$36.91	-\$36.91				\$ 76.84	12410533	
REGULAR COMMISSARY PURCHASE 02/25/19 07:16	\$100.00	\$100.00			15013464101	\$ 176.84	12449781	
WESTERN UNION INTERFACE - AUTO ENTE					KIMBERLY NISSEN			
INMATE NAME: NISSEN, MICHAEL								
AGENCY #: 02508151								
PERM: 5552151								

INMATE NAME: NISSEN, MICHAEL
 AGENCY #: 02508151
 PERM: 5552151

CIBOLA COUNTY CORRECTIONAL CENTER

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INMATE NISSEN, MICHAEL
AGENCY #: 02508151
PERM #: 5552151
HOUSING: 800/B/208/J

Case 1:19-cr-00077-JB Document 125 Filed 03/13/20 Page 4 of 24

Transaction Date/Time	Transaction Amount	Deposit/Withdrawl Amount	Collected Cost Recovery	Billed Cost Recovery	Check #	Current Balance	Receipt #	DLN
02/25/19 10:37	-\$44.12					\$ 132.72	12858199	
03/07/19 06:53	-\$47.31					\$ 85.41	12868314	
03/13/19 09:12	-\$48.06					\$ 37.35	12838837	
03/14/19 07:10	\$100.00					\$ 137.35	12847603	
WESTERN UNION INTERFACE - AUTO ENTE			64765216261	KIMBERLY NISSEN				
03/14/19 10:36	\$2.68		\$2.68			\$ 140.03	12854625	
VOIDED REGULAR PURCHASE								
03/19/19 07:31	-\$43.51					\$ 96.52	12898321	
REGULAR COMMISSARY PURCHASE								
03/25/19 08:42	-\$27.19					\$ 69.33	12755829	
REGULAR COMMISSARY PURCHASE								
03/25/19 14:12	-\$6.50					\$ 62.83	12763576	
REGULAR COMMISSARY PURCHASE								
03/25/19 14:17	-\$20.00					\$ 42.83	12763869	
REGULAR COMMISSARY PURCHASE								
03/26/19 08:50	\$2.68		\$2.68			\$ 45.51	12772158	
VOIDED REGULAR PURCHASE								
04/04/19 08:13	-\$32.26					\$ 13.25	12866611	
REGULAR COMMISSARY PURCHASE								
04/10/19 15:52	-\$11.82					\$ 1.43	12946232	
REGULAR COMMISSARY PURCHASE								
04/12/19 08:14	\$50.00		\$50.00			\$ 51.43	12952289	
WESTERN UNION INTERFACE - AUTO ENTE			34586493831	KIMBERLY NISSEN				
04/16/19 15:10	-\$20.32					\$ 31.11	13010457	
REGULAR COMMISSARY PURCHASE								
04/29/19 15:30	-\$28.51					\$ 2.60	13134897	
REGULAR COMMISSARY PURCHASE								
04/30/19 06:23	\$100.00					\$ 102.60	13136495	
WESTERN UNION INTERFACE - AUTO ENTE			91705532191	KIMBERLY NISSEN				
INMATE NAME: NISSEN, MICHAEL								
AGENCY #: 02508151								
PERM: 5552151								

CIBOLA COUNTY CORRECTIONAL CENTER

Print Date: 02/19/2020 8:51:01AM

INMATE NISSEN, MICHAEL

INMATE AGENCY #:

02508151

PERM #:

5552151

HOUSING:

800/B/208/JU

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Transaction Date/Time	Transaction Amount	Deposit/Withdrawl Amount	Collected Cost Recovery	Billed Cost Recovery	Check #	Current Balance	Receipt #	DLN
05/01/19 07:27	\$100.00	\$100.00			23167305991	PHYLISS HUNTER	\$ 202.60	1350286
05/08/19 10:51	-\$19.26		-\$19.26				\$ 183.34	13535235
REGULAR COMMISSARY PURCHASE								
05/10/19 11:59	-\$2.73		-\$2.73				\$ 180.61	13261195
REGULAR COMMISSARY PURCHASE								
05/10/19 12:07	-\$4.53		-\$4.53				\$ 176.08	13261293
CR - POSTAGE								
05/14/19 15:14	-\$7.59		-\$7.59				\$ 168.49	13502390
REGULAR COMMISSARY PURCHASE								
05/21/19 08:38	-\$23.40		-\$23.40				\$ 145.09	13369868
REGULAR COMMISSARY PURCHASE								
05/23/19 11:38	\$2.80		\$2.80				\$ 147.89	13397969
VOIDED REGULAR PURCHASE								
05/30/19 11:06	-\$52.02		-\$52.02				\$ 95.87	13460448
REGULAR COMMISSARY PURCHASE								
06/05/19 08:50	-\$31.28		-\$31.28				\$ 64.59	13520655
REGULAR COMMISSARY PURCHASE								
06/11/19 08:52	-\$22.40		-\$22.40				\$ 42.19	13585920
REGULAR COMMISSARY PURCHASE								
06/14/19 16:09	-\$2.73		-\$2.73				\$ 39.46	13631899
REGULAR COMMISSARY PURCHASE								
06/17/19 15:22	-\$34.20		-\$34.20				\$ 5.26	13653113
REGULAR COMMISSARY PURCHASE								
06/24/19 07:06	\$100.00		\$100.00		53570567201	KIMBERLY NISSEN	\$ 105.26	13713500
WESTERN UNION INTERFACE - AUTO ENTE								
06/24/19 07:06	\$100.00		\$100.00		80488799161	KIMBERLY NISSEN	\$ 205.26	1373605
WESTERN UNION INTERFACE - AUTO ENTE								
06/24/19 08:26	-\$28.56		-\$28.56				\$ 176.70	13748216
REGULAR COMMISSARY PURCHASE								
07/02/19 09:27	-\$31.67		-\$31.67				\$ 145.03	1383753
REGULAR COMMISSARY PURCHASE								

INMATE NAME: NISSEN, MICHAEL

INMATE AGENCY #:

02508151

PERM #:

5552151

CIBOLA COUNTY CORRECTIONAL CENTER
INMATE ACCOUNT SUMMARY 12/31/2018 to 02/18/2020

Print Date: 02/19/2020 8:51:01AM

INMATE NISSEN, MICHAEL
AGENCY #: 02508151
PERM #: 5552151
HOUSING: 800/B/208/I/U

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Transaction Date/Time	Transaction Amount	Deposit/Withdrawl Amount	Collected Cost Recovery	Billed Cost Recovery	Check #	Current Balance	Receipt #	DLN
07/08/19 13:43	-\$0.35					\$ 144.68	13870428	
CR - COPIES								
07/08/19 13:44	-\$0.85					\$ 143.83	13870433	
CR - COPIES								
07/09/19 08:34	-\$28.56					\$ 115.27	13880303	
REGULAR COMMISSARY PURCHASE								
07/12/19 11:48	-\$2.73					\$ 112.54	138925864	
REGULAR COMMISSARY PURCHASE								
07/15/19 11:52	-\$38.04					\$ 74.50	138445574	
CR - COPIES								
07/16/19 07:32	-\$0.90					\$ 73.60	13855921	
REGULAR COMMISSARY PURCHASE								
07/22/19 10:14	-\$28.17					\$ 45.43	14018727	
REGULAR COMMISSARY PURCHASE								
07/23/19 08:17	-\$0.90					\$ 44.53	14033674	
CR - COPIES								
08/01/19 10:06	-\$14.27					\$ 30.26	14136331	
REGULAR COMMISSARY PURCHASE								
08/06/19 13:59	-\$14.54					\$ 15.72	14192949	
REGULAR COMMISSARY PURCHASE								
08/12/19 07:55	\$100.00		\$100.00			\$ 115.72	14243026	
WESTERN UNION INTERFACE - AUTO ENTE								
08/12/19 15:52	-\$35.96					\$ 79.76	14258630	
REGULAR COMMISSARY PURCHASE								
08/15/19 12:21	\$1.20		\$1.20			\$ 80.96	14205929	
VOIDED REGULAR PURCHASE								
08/16/19 13:53	-\$3.00					\$ 77.96	14312093	
CR - COPIES								
08/19/19 08:17	-\$0.60					\$ 77.36	14326555	
CR - COPIES								
08/19/19 12:29	-\$30.33					\$ 47.03	14312750	
REGULAR COMMISSARY PURCHASE								
INMATE NAME: NISSEN, MICHAEL								
AGENCY #: 02508151								
PERM: 5552151								

CIBOLA COUNTY CORRECTIONAL CENTER

Print Date: 02/19/2020 8:51:01AM

INMATE NISSEN, MICHAEL
AGENCY #: 02508151
PERM #: 5552151
HOUSING: 800/B/208/JU

INMATE ACCOUNT SUMMARY 12/31/2018 to 02/18/2020

Transaction Date/Time	Transaction Amount	Deposit/Withdrawl Amount	Collected Cost Recovery	Billed Cost Recovery	Check #	Current Balance	Receipt #	DLN
08/21/19 14:41	\$1.20	\$1.20				\$ 48.23	14362455	
VOIDED REGULAR PURCHASE								
08/23/19 06:41	\$200.00	\$200.00				\$ 248.23	14475444	
WESTERN UNION INTERFACE - AUTO ENTE								
08/28/19 13:19	-\$26.50	-\$26.50				\$ 221.73	14432773	
REGULAR COMMISSARY PURCHASE								
08/29/19 07:10	-\$1.80	-\$1.80				\$ 219.93	14438632	
CR - COPIES								
09/03/19 08:45	-\$26.50	-\$26.50				\$ 193.43	14476952	
REGULAR COMMISSARY PURCHASE								
09/03/19 09:05	\$26.50	\$26.50				\$ 219.93	14477703	
VOIDED REGULAR PURCHASE								
09/04/19 08:41	-\$31.83	-\$31.83				\$ 188.10	14497108	
REGULAR COMMISSARY PURCHASE								
09/05/19 07:14	-\$1.90	-\$1.90				\$ 186.20	14509002	
CR - COPIES								
09/06/19 13:49	-\$1.75	-\$1.75				\$ 184.45	14531237	
CR - POSTAGE								
09/10/19 08:40	-\$25.54	-\$25.54				\$ 158.91	14563270	
REGULAR COMMISSARY PURCHASE								
09/10/19 14:27	-\$3.50	-\$3.50				\$ 155.41	14570450	
CR - POSTAGE								
09/16/19 06:49	\$100.00	\$100.00				\$ 255.41	14616826	
WESTERN UNION INTERFACE - AUTO ENTE								
09/16/19 08:41	-\$29.11	-\$29.11				\$ 226.30	14624014	
REGULAR COMMISSARY PURCHASE								
09/20/19 14:39	-\$3.97	-\$3.97				\$ 222.33	14666896	
REGULAR COMMISSARY PURCHASE								
09/26/19 09:34	-\$27.07	-\$27.07				\$ 195.26	14712475	
REGULAR COMMISSARY PURCHASE								
10/02/19 09:38	-\$27.75	-\$27.75				\$ 167.51	14806608	
REGULAR COMMISSARY PURCHASE								
INMATE NAME: NISSEN, MICHAEL								
AGENCY #: 02508151								
PERM#: 5552151								

CIBOLA COUNTY CORRECTIONAL CENTER
INMATE ACCOUNT SUMMARY 12/31/2018 to 02/18/2020

Print Date: 02/19/2020 8:51:01AM

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INMATE	NISSEN, MICHAEL
AGENCY #:	02508151
PERM #:	5552151
HOUSING:	800/B/208/U

Transaction Date/Time	Transaction Amount	Deposit/Withdrawl Amount	Collected Cost Recovery	Billed Cost Recovery	Check #	Current Balance	Receipt #	DLN
10/14/19 12:23	-\$49.15		-\$49.15			\$ 118.36	1435588	
REGULAR COMMISSARY PURCHASE								
10/21/19 10:00	-\$39.01		-\$39.01			\$ 79.35	15010207	
REGULAR COMMISSARY PURCHASE								
10/31/19 06:13	\$100.00		\$100.00		03732240191			
WESTERN UNION INTERFACE - AUTO ENTE					KIMBERLY NISSEN			
REGULAR COMMISSARY PURCHASE								
11/01/19 09:15	-\$36.07		-\$36.07			\$ 179.35	1524385	
REGULAR COMMISSARY PURCHASE								
11/05/19 08:39	-\$38.38		-\$38.38			\$ 104.90	1580173	
REGULAR COMMISSARY PURCHASE								
11/08/19 12:21	-\$3.97		-\$3.97			\$ 100.93	1529490	
REGULAR COMMISSARY PURCHASE								
11/14/19 08:38	-\$20.03		-\$20.03			\$ 80.90	15889043	
REGULAR COMMISSARY PURCHASE								
11/18/19 11:34	-\$37.67		-\$37.67			\$ 43.23	15330180	
REGULAR COMMISSARY PURCHASE								
11/24/19 08:43	-\$34.77		-\$34.77			\$ 8.46	1592654	
REGULAR COMMISSARY PURCHASE								
11/29/19 06:19	\$100.00		\$100.00		80536818391			
WESTERN UNION INTERFACE - AUTO ENTE					KIMBERLY NISSEN			
12/05/19 09:18	-\$28.79		-\$28.79			\$ 79.67	1554010	
REGULAR COMMISSARY PURCHASE								
12/10/19 08:25	-\$27.01		-\$27.01			\$ 52.66	1554806	
REGULAR COMMISSARY PURCHASE								
12/10/19 15:37	-\$28.21		-\$28.21			\$ 24.45	15573416	
REGULAR COMMISSARY PURCHASE								
12/11/19 15:41	\$28.21		\$28.21			\$ 52.66	15585517	
VOIDED REGULAR PURCHASE								
12/17/19 10:06	-\$31.47		-\$31.47			\$ 21.19	15647789	
REGULAR COMMISSARY PURCHASE								
12/20/19 10:38	-\$2.73		-\$2.73			\$ 18.46	15644599	
REGULAR COMMISSARY PURCHASE								
INMATE NAME:	NISSEN, MICHAEL							
AGENCY #:	02508151							
PERM:	5552151							

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INMATE NAME: NISSEN, MICHAEL

AGENCY #: 02508151
PERM: 5552151

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INMATE	NISSEN, MICHAEL
AGENCY #:	02508151
PERM #:	5552151
HOUSING:	800/B/208/JU

INMATE NAME: NISSEN, MICHAEL

AGENCY #: 0250815
PERM: 5552151

INFORMATION AND INSTRUCTIONS

FILING COMPLAINT UNDER 42 U.S.C. § 1983

This form is to assist you in the preparation of a complaint seeking relief under the Civil Rights Act. In order for your complaint to be considered by the District Court, it must be typewritten or legibly handwritten. All questions must be answered clearly and concisely in the appropriate space on the form. If there is more than one defendant, you should clearly indicate which of the acts alleged is attributable to each defendant.

A. The Complaint

- 1) An original complaint must be provided for the court. You should keep a copy of the complaint for your records.
- 2) Your complaint must be signed and include a declaration under penalty of perjury. You are cautioned that any deliberate false statement of a material fact may serve as a basis for prosecution and conviction for perjury. You should therefore exercise care to assure that all answers are true, correct, and complete.
- 3) Under the Civil Rights Act, 42 U.S.C. § 1983, the court can grant relief only for wrongs which amount to the denial of federal constitutional rights by a person acting under color of state law. Your complaint can be brought in this court only if one or more of the named defendants are located within this judicial district.
- 4) You must furnish original copies of all papers, correspondence or other documents submitted to the court for filing and consideration. In addition, you must furnish the opposing party or his attorney with a copy of all such documents submitted to the court. Each original document (except the original complaint) must include a certificate stating the date a copy of the document was mailed to the opposing party or his attorney and the address to which it was mailed.

A certificate of service should be in the following form:

"I hereby certify that a copy of the foregoing pleading/document was mailed to:

JUDGE JAMES O'BROWNING at UNITED STATES DISTRICT COURT
(Opposing party or counsel) 333 LOMAS BLVD, NM ALBUQUERQUE, NM
(Address) 87102

on 02/19, 2020,
(Date)

Michael J. New
(Signature)



OFFICIAL SEAL

Birdie Jones

NOTARY PUBLIC-State of New Mexico

My Commission Expires 10-23-2027

B. Jones

B. The Filing Fee and 28 U.S.C. § 1915

- 1) The complaint must be accompanied by the full \$350.00 filing fee. If you want to commence an action without prepayment of fees or security therefore, you must file a motion for leave to proceed pursuant to 28 U.S.C. § 1915. Under § 1915, you also must submit an affidavit and a certified copy of your trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint. The certified copy of the trust fund account statement (or institutional equivalent) must be obtained from the appropriate official of each penal institution at which you are or were confined during the six-month period. The court will not consider the merits of the claims asserted in any complaint filed without either the \$350.00 filing fee or a properly completed motion, affidavit and certified copy of your trust fund account statement (or institutional equivalent) as required by § 1915.
- 2) The motion and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915 must be typewritten or legibly handwritten. All questions must be answered clearly and concisely in the appropriate space on the form. You must sign the motion and affidavit. You should exercise care to assure that all answers are true, correct and complete.
- 3) If you are proceeding pursuant to 28 U.S.C. § 1915 and the motion, affidavit and certified copy of your trust fund account statement (or institutional equivalent) are in proper form, you will be ordered to pay within thirty days an initial partial filing fee in an amount to be determined by the court pursuant to § 1915(b)(1). The court will not review the merits of your complaint until the initial partial filing fee is paid. If you fail to pay the initial partial filing fee within thirty days or fail to show that you have no assets and no means by which to pay the initial partial filing fee, the complaint will be dismissed without prejudice. If the initial partial filing fee is paid within thirty days, the court will review the complaint pursuant to § 1915(e)(2)(B) to determine if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.
- 4) You are reminded that, even if you are allowed to proceed pursuant to 28 U.S.C. § 1915, you must pay the full filing fee as required by law, i.e., \$350.00. It is your responsibility to ensure that monthly payments are sent to the court as required by § 1915(b)(2) until the filing fee is paid in full. It is your responsibility to have the institution where you are confined forward the payments from your trust fund account to the Clerk of the Court each time the amount in your account exceeds \$10.00. The complaint may be dismissed at any point if you fail to make the required monthly payments.
- 5) When your complaint is completed, it should be mailed with the necessary copies and filing fee, or motion to proceed pursuant to 28 U.S.C. § 1915 and financial certificate, to the Clerk of the United States District Court whose address is:

**U.S. District Court
333 Lomas Blvd. NW, Ste. 270
Albuquerque, NM 87102**

- 6) United States District Judges, United States Magistrate Judges, law clerks, the Clerk of Court, and deputy clerks are officers of the court **and are prohibited from giving legal advice**. Questions of this nature should be directed to an attorney.

UNITED STATES DISTRICT COURT

for the

District of New Mexico

10th Division

Case No. _____

(to be filled in by the Clerk's Office)

MICHAEL J. NISSEN

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

JUDGE JAMES O' BROWNING

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

MICHAEL J. NISSENAll other names by which
you have been known:N/A

ID Number

02508151

Current Institution

CIBOLA COUNTY CORRECTIONS CENTER

Address

P.O. BOX 3540MILANN.M87021

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

JUDGE JAMES O' BROWNINGJob or Title (*if known*)JUDGE

Shield Number

N/A

Employer

UNITED STATES GOVERNMENT

Address

333 LOMAS BLVD, NWALBUQUERQUEN.M87102

City

State

Zip Code

 Individual capacity Official capacity

Defendant No. 2

Name

N/AJob or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

 Individual capacity Official capacity

Defendant No. 3

Name

*N/A*Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

 Individual capacity Official capacity

Defendant No. 4

Name

*N/A*Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

 Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*): Federal officials (a *Bivens* claim) State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

*FIRST, FOURTH, FIFTH, EIGHTH, NINETH, TEENTH, ELEVENTH,
FOURTEENTH, TWENTY-THIRD*

CONSTITUTIONAL AMENDMENTS ALL VIOLATED.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

FIRST, FOURTH, FIFTH, EIGHTH, NINETH, TEENTH, ELEVANTH,
FOURTEENTH, TWENTY - THIRD CONSTITUTIONAL
AMENDMENTS OF THE UNITED STATES ALL PLAINTIFFS
RIGHTS VIOLATED BY ARBITRARY ABUSE OF POWER.

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

MOTIONS ALL FILED BEFORE
AND AFTER JURY TRIAL. JUDGE JAMES O' BROWNING ACTING
UNDER COLOR OF LAW, KNOWING THE CONSTITUTION OF THE
UNITED STATES VIOLATED PLAINTIFFS FOURTEENTH CONSTITUTIONAL
AMENDMENT OF CITIZENS RIGHTS, PRIVILEGES, OR IMMUNITIES,
DUE PROCESS, EQUAL PROTECTION OF THE LAWS SECURED BY THE
CONSTITUTION OF THE UNITED STATES.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other (explain) CONVICTED AND PRE SENTENCING REPORT

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

UNITED STATES DISTRICT COURT, 333 LOMAS BLVD, NW
ALBUQUERQUE, NM 87102.
IN JUDGE JAMES O' BROWNING'S VENUE.

C. What date and approximate time did the events giving rise to your claim(s) occur?

AUGUST 6, 7, 2019

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

PLAIN ERROR BY JUDGE JAMES O' BROWNING FOR ALLOWING THIS BLATANT AND SHAMEFUL EGREGIOUS ACTION OF PROFESSIONALISM TO BE MALICIOUSLY REVEALED IN HIS VENUE IS A GROTESQUE MISCARRIAGE OF CONSTITUTIONAL JUSTICE .

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

N/A

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

NO MONETARY RELIEF SOUGHT AFTER IN THIS PARTICULAR CASE , PLAINTIFF SEEKS FULL ACQUITTAL OF BOTH COUNTS OF THESE CONSTITUTIONAL VIOLATIONS. JUDGE JAMES O' BROWNING DOES NOT RECEIVE ABSOLUTE IMMUNITY WHEN SUED FOR VIOLATIONS OF CONSTITUTIONAL CIVIL RIGHTS ARISING FROM THEIRS OR HIS ADMINISTRATIVE FUNCTIONS WHEN THE JUDICIAL VENUE OF JUDGE JAMES O' BROWNING VIOLATED PLAINTIFF'S CONSTITUTIONAL RIGHTS OF THE UNITED STATES GUARANTEED TO ALL CITIZENS .

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

PLAINTIFF DID NOT FILE A GRIEVANCE IN THE
INSTITUTION HE IS CURRENTLY INCARCERATED
FOR THIS GRIEVANCE DOES NOT CONCERN CIBOLA
COUNTY CORRECTIONS CENTER.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

MOTIONS, 28 U.S.C.A. § 2255

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (*if federal court, name the district; if state court, name the county and State*)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

N/A

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes

No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 02/19/2020

Signature of Plaintiff

Michael J. Nissen

Printed Name of Plaintiff

MICHAEL J. NISSEN

Prison Identification #

02508151

Prison Address

P.O. Box 3540

MILAN

City

N.M

State

87021

Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

N/A

Printed Name of Attorney

Bar Number

Name of Law Firm

Address



OFFICIAL SEAL

Birdie Jones

NOTARY PUBLIC-State of New Mexico

My Commission Expires 10-22-2023

Birdie Jones

Telephone Number

E-mail Address

City

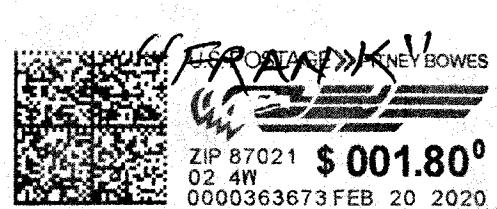
State

Zip Code

MICHAEL NISSEN
02508151
P.O. BOX 3540
CIBOLA COUNTY CORRECTIONS CENTER
MILAN, NM 87021

Legal
mail for
the Judge.

ATTN
UNI
10±
333
ALBUQ



JUDGE JAMES O' BROWNING
ED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
LOMAS BLVD, NW
ALBUQUERQUE, NM 87102

